

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT

WILLIAM FRISKE, JR.,

Case No. 2:07-CV-13474

Plaintiff(s),

Hon. Gerald E. Rosen
United States District Judge

vs.

DEBRA SCUTT, et. al.,

Michael Hluchaniuk
United States Magistrate Judge

Defendant(s).

**ORDER DISMISSING PLAINTIFF'S MOTION
IN SUPPORT OF ORIGINAL RESTRAINING ORDER (Dkt. 34)**

This is a prisoner civil rights action filed by Plaintiff on September 6, 2007. Plaintiff alleges violations of his First, Fourth, and Eighth Amendment constitutional rights. On December 5, 2007, this matter was originally referred to Magistrate Judge Virginia M. Morgan for all pretrial purposes. On January 14, 2008, this case was reassigned to the undersigned Magistrate Judge.

Currently pending before the Court is the Plaintiff's Motion in Support of Original Restraining Order. (Dkt. 34). In his motion the Plaintiff appears to be notifying the Court that the prison staff where he is currently incarcerated has refused to mail certain papers concerning his pending civil action. The Plaintiff also asks that the Court provide him with an updated copy of his civil docket sheet, and that the

Court provide him with a copy of his Objections to Defendants Request for Summary Judgment, which he had mailed on June 11, 2008.

On June 13, 2008, this office received from the Plaintiff a package containing a paper entitled Objection to Defendant(s) Summary Judgment, dated June 10, 2008, as well as an Affidavit by the Plaintiff indicating that the prison library staff person refused to make copies of his response to the motion for summary judgment. He asked that the Court make a copy of his response, and to provide Defendants' attorney with a copy of the response. On June 30, 2008, in response to the Plaintiff's request, the undersigned instructed his courtroom deputy clerk to file both the Affidavit and Objection to Defendant(s) Summary Judgment. By virtue of the filing of these two papers, the Clerk of the Court has performed the electronic scanning and filing function which has provided electronic notification, via the ECF system, to the Defendants of the filing of these papers. (See Dkt. 35, 36). A copy of the Plaintiff's response and affidavit were also mailed back to the Plaintiff that same date.

Accordingly, **IT IS HEREBY ORDERED** that the Plaintiff's motion is hereby **DISMISSED AS MOOT**.

A copy of the updated docket sheet in this matter shall also be sent by this office to the Plaintiff along with his copy of this order.

Dated: July 2, 2008

s/ Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2008, I electronically filed the foregoing order with the Clerk of the Court using the ECF system which will send electronic notification of such filing to the following: Christine M. Campbell, Esq., and I hereby certify that I have mailed by United States Postal Service the foregoing paper to the following non-ECF participants: William Friske, Jr., #236923, Parnall Correctional Facility, 1790 E. Parnall, Jackson, MI 49201-7139

s/ James P. Peltier

James P. Peltier

Courtroom Deputy Clerk

U.S. District Court

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